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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,606	02/18/2004	Shelton E. Harrison JR.		2677

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EXAMINER

LARSON, JUSTIN MATTHEW

ART UNIT	PAPER NUMBER
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3782

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/781,606	Applicant(s) HARRISON, SHELTON E.	
	Examiner Justin M. Larson	Art Unit 3782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 8-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Examiner notes that Applicant has failed to include any affirmation of the election set forth in the previously mailed Office Action (paper no. 20060505). During a telephone conversation with Mr. Shelton Harrison on 6/28/06 a provisional election was made without traverse to prosecute the invention of I, claims 1-7 and 13-30. Claims 8-12 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

This application contains claims 8-12 that are drawn to an invention nonelected without traverse in Paper No. 20060505. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Objections

2. In claim 1, Examiner feels that the "case member" would be more accurately claimed as a "strap member" or something to that effect. Applicant's "case" is really only a strap (152) as depicted in Figures 15-17.

Claim 20 is objected to because it appears as though "Personal Digital Assistant" is intended to represent a trademark because it is capitalized. Trademarks should not be used in the claims as the structure associated to the trademark may change with time.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

4. Claims 1-7 and 13-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 13 each recite the limitations "the shape of a case" and "the shaped of a wrist-mount". There is insufficient antecedent basis for these limitations in the claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6 and 13-19 are rejected under 35 U.S.C. 102(a) as being anticipated by Antaki (US 5,752,633).

Regarding claims 1, 5, and 13, Antaki discloses an apparatus for providing access to an electronic device, said apparatus comprising a case member (10), wherein said case member includes a flexible member configured to be alternately movable or wrapped into a first position (Figure 13) or a second position (Figure 14), said first position comprising the shape of a case (covers the electronic device) and said second position comprising the shape of a wrist-mount, and a fastener (16/118/29), whereby

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said case member can be fixed in said first or second position after having been adjusted.

Regarding claims 2 and 14, Antaki discloses an attachment mechanism (122) for removably attaching the electronic device to said case member.

Regarding claim 3, 4, 15, and 17, the attachment mechanism (122) of Antaki is an elastic strap that is movable in that it is stretchable, effectively satisfying the limitations of the claim.

Regarding claims 6 and 16, Antaki discloses an electronic device comprising an output device (light bulb of the flashlight outputs light).

Regarding claim 18, the movable coupling (122), being elastic, would certainly allow the flashlight to rotate or turn to at least some degree if some torque were to be applied to the flashlight by the user, effectively satisfying the limitations of the claim.

Regarding claim 19, Antaki discloses a loop (14) through which said flexible member can be fed so as to facilitate attachment.

7. Claims 1-6 and 13-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Hacker (US 5,927,210).

Regarding claims 1, 5, and 13, Hacker discloses an apparatus for providing access to an electronic device, said apparatus comprising a case member (Figure 5), wherein said case member includes a flexible member (11) configured to be alternately movable or wrapped into a first position (similar to Figure 6, however, the closed loop is formed above the object 17 rather than below as shown) or a second position (Figure 6), said first position comprising the shape of a case and said second position

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comprising the shape of a wrist-mount (although shown attached to a leg, could be attached to a wrist), and a fastener (12), whereby said case member can be fixed in said first or second position after having been adjusted.

Regarding claims 2 and 14, Hacker discloses an attachment mechanism (Figure 7) for removably attaching the electronic device to said case member.

Regarding claims 3, 4, 15, and 17, the attachment mechanism of Hacker is an elastic strap (17) that is movable in that it is bendable, stretchable, and rotatable, effectively satisfying the limitations of the claims.

Regarding claims 6 and 16, Hacker discloses a keyboard with input keys.

Regarding claim 18, the movable coupling, being elastic, would certainly allow the keyboard to rotate or turn to at least some degree if some torque were to be applied to the keyboard by the user, effectively satisfying the limitations of the claim.

Regarding claim 19, Hacker discloses a loop (13) through which said flexible member can be fed so as to facilitate attachment.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hacker in view of Boyer et al. (US 5,713,548).

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Hacker discloses the claimed invention except for the electronic device being a PDA or touch-screen display. Boyer et al., however, also disclose a leg mounted electronic device carrier and teach that it is known in the art for such carriers to be used to with a PDA (col. 4 lines 50-55). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the carrier of Hacker to secure a PDA to a user's leg, as taught by Boyer et al., in order to provide the user with easy access to their PDA.

Response to Arguments

10. Applicant's arguments filed 12/11/06 have been fully considered but they are not persuasive.

Applicant has repeatedly asserted the novelty of his disclosed invention and that no prior art of record accomplishes the novel features of his disclosed invention. Examiner notes that there may be differences between the prior art of record and Applicant's disclosed invention but also notes that the originally filed claims and those claims now pending do not recite any structural features that distinguish Applicant's claimed invention from the prior art applied in this and the previously-mailed Office action.

Applicant has mentioned some "secret art" on pages 6-7 of his remarks. Examiner notes that the PTO has no "secret little drawers" and that no "secret art" was relied upon in the rejection of Applicant's application. All of the art used to reject this Application has been cited to Applicant.

Applicant argues that Examiner has reshaped the prior art with no suggestion in the prior art to do so. Examiner notes that the rejections set forth above under 35 U.S.C. 102(b) involve art that has not been modified or reshaped in any way. The pieces of art applied under this section did not need to be modified in shape or form to read on Applicant's claims.

Applicant has asserted that Antaki fails to enable both a case and a mount configuration. As set forth in paragraph 6 above, the strap of Antaki is configured to be alternately movable or wrapped into a first position (Figure 13) or a second position (Figure 14), said first position comprising the shape of a case (covers the electronic device) and said second position comprising the shape of a wrist-mount.

Applicant has asserted that the elastic coupling (17) of Hacker is not a movable coupling. Examiner maintains the position that the elastic strap of Hacker is a movable coupling. The elastic strap is a coupling because it couples a device to the body-supported band (11a). The elastic strap is a movable coupling because it can move. It can bend, rotate, twist, stretch, etc.

Applicant has asserted that Examiner has isolated the loop (13) of Hacker to reject claims 19 and that somehow Examiner has forgotten about the limitations of antecedent claim 13 from which claim 19 depends. As set forth in paragraph 7 above, Hacker includes all of the structural features of both claims 13 and 19.

Applicant has asserted that Hacker fails to disclose a "case" and that there is nothing in Hacker that could serve as a case. Examiner notes that Applicant's so-called case is merely an elongated strap with a loop on one end and hook-and-loop fasteners

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that allow an end of the strap to be fed through the loop and back onto itself. Hacker also discloses an elongated strap (11) with a loop (13) on one end and hook-and-loop fasteners (12) that allow an end of the strap to be fed through the loop and back onto itself. Figure 6 of Hacker shows the strap formed in a loop below support (16) in which an object would be held. An inherent feature of a strap system like that disclosed by Hacker is that the strap could alternatively be formed in a loop above the support (16) in which an object would be held. The strap can easily be fed through the loop (13) in two different directions which would result in two differently formed loops; one above or encircling an object held in support (16) and one below an object held in support (16) as shown in Figure 6 of Hacker.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited art includes various body-mounted straps with devices rotatably coupled thereto.

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Larson whose telephone number is (571) 272-8649. The examiner can normally be reached on Monday - Thursday, 7am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JML
3/4/07


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